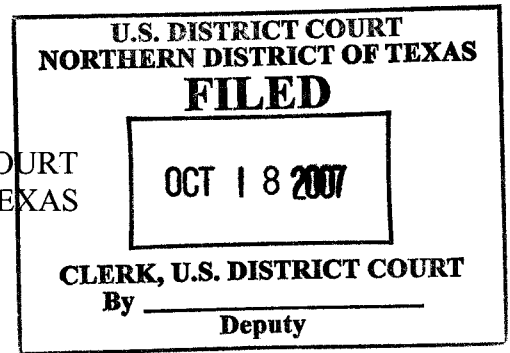


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



UNITED STATES OF AMERICA

v.

MARTIN A. CALDERON

§
§
§
§
§

2:07-CV-0127


**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT AND
RECOMMENDATION and DENYING MOTION TO VACATE,
SET ASIDE OR CORRECT SENTENCE IN PART**

Defendant has filed a motion to vacate, set aside or correct sentence by a person in federal custody. A Report and Recommendation was issued by the United States Magistrate Judge and filed on October 1, 2007. The Magistrate Judge recommended denying petitioner's motion to vacate on issues 1b, 1c, 1d, 2, 3 and 4. The Magistrate has reserved issues 1a and 1e for further determination. Defendant CALDERON filed objections to the Report and Recommendation on October 16, 2007.

The United States District Judge has made an independent examination of the record in this case and has examined the Report and Recommendation of the Magistrate Judge. The undersigned United States District Judge hereby OVERRULES defendant's objections, and ADOPTS the Magistrate Judge's Report and Recommendation. Accordingly, issues 1b, 1c, 1d, 2, 3 and 4 of defendant's motion to vacate are without merit and are DENIED. Issues 1a and 1e have not been addressed and the referral of the motion to vacate to the Magistrate Judge remains in effect.

IT IS SO ORDERED.

ENTERED this 18th day of October 2007.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE